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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,368	08/25/2006	Keit Wagener	72324	3239
23872	7590	05/29/2009		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER WILHELM, TIMOTHY	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 05/29/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,368	Applicant(s) WAGENER ET AL.	
	Examiner Timothy D. Wilhelm	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 20-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 20, 25, 26, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 6, 21, 22, and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action was made in response to an amendment filed 2/10/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,7,10,11,20,25,26,28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholz (US 2003/0020267) in view of Jenkins et al (5,487,556). Scholz discloses an arrangement for fixing a gas generator to an airbag housing comprising a gas generator; a generator chamber having an inner wall; a spring-elastic fastening element 30; wherein the gas generator is mounted in the generator chamber at one end in a fixed bearing and at another end by the spring-elastic fastener being pressed between an outer wall of the gas generator and the inner wall of the generator chamber, clinging with an outer circumference of said fastening element to said inner wall. The fastening element comprises an inner lug at a middle area thereof that embraces a gradation in the contour of the end of the gas generator. The fastening element is further a stamped metal part made of sheet steel. With regard to claim 10, an outer circumference of the fastening element has a microprofile that is favorable to a clinging of said fastening element to said inner wall of said chamber simply by the fact that the outer circumference that contacts the inner wall is able to cling to said place. Scholz et al disclose the present invention except for the fastening element having

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“microcorners” to dig the fastener into the inner wall of the generator housing. Jenkins et al teach an airbag module comprising a gas generator 16 and a generator chamber 40, wherein the generator chamber 40 comprises a fastening element 20 that fastens said gas generator 14 to said generator housing 40 and includes microcorners 180 that help the fastening element dig into the gas generator 14 at a circumference therefore. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fastening element of Scholz with the teaching of Jenkins et al to have microcorners on the outer circumference of said fastening element to give the fastening element a better cling to the generator housing, thus ensuring it remains in place.

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholz in view of Hopf et al (6,361,064). Scholz discloses the present invention except for the fastening element being coated with plastic in a region around the inner lug. Hopf et al teaches an inflator seal retainer for an air bag module, said module comprising a gas generator 16 and a generator chamber 44, wherein said generator is connected at one end to the chamber 44 by a fixed bearing and at another end through a seal retainer fastening element 140. Column 9, Lines 19-23 of Hopf et al teach that “the inflator seal retainer 140 is...capable of being coated for corrosion resistance” with plastic materials. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fastening element of Scholz with the teaching of Hopf et al's plastic coating to give the fastening element better resistance to corrosion.

Allowable Subject Matter

4. Claims 6,21,22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claim 23 and 24 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 1-11 and 20-29 have been considered but are moot in view of the new ground(s) of rejection. In the dictionary, the word overlap means to extend over and cover a part of. Thus, the generator housing 12 definitely overlaps the gas generator 10. With regard to an outer circumference of the fastener 30 of Scholz being biased against the inner surface of the generator housing, Scholz discloses this feature with the outer circumference at reference number 28, though it may not be the outermost circumference of the fastener.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Timothy D Wilhelm
Examiner
Art Unit 3616

/Timothy D Wilhelm/
May 25, 2009

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616